

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW SCHWARTZBERG,

Plaintiff,

against-

CHET MINING CO, LLC and CHET STOJANOVICH,

Defendants.

DECLARATION OF
PLAINTIFF ANDREW
SCHWARTZBERG IN
SUPPORT OF MOTION FOR
DEFAULT JUDGMENT TO
THE CLERK

Pursuant to 28 U.S.C. §1746

Civ. Action No.: Civ. Action No.:
1:20-cv-01880

I, **ANDREW SCHWARTZBERG**, declare under penalty of perjury that the following is true and accurate:

1. I am the plaintiff in this action. I respectfully submit this declaration to the clerk, in support of my motion for a default judgment pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure and Local Rule 55.2. This declaration is based on my personal knowledge.

2. I seek a default judgment against both defendants, jointly and severally, for the total sum certain of \$501,672.00, itemized below. This sum certain represents purchase monies that I paid the defendants for goods which the defendants failed to deliver. This is detailed in the Complaint and further discussed below.

3. Specifically, in May 2019, defendant Chet Mining Co., LLC (through its owner Chet Stojanovich) offered to sell me certain cryptocurrency mining equipment. On May 21, 2019, the defendants transmitted an invoice, itemizing the equipment that they were offering and the purchase price. A true and accurate copy of that invoice is annexed to this declaration as **Exhibit A** (with Chet Stojanovich's phone numbers and email address redacted for electronic court filing). As the Court can see, the defendants offered to sell me three hundred and twenty (320) S9

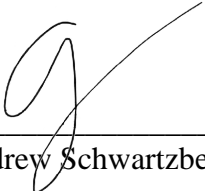
cryptocurrency mining devices, and six hundred (600) L3+ cryptocurrency mining devices, for a total price of \$501,672.00

4. I accepted the offer and delivered payment to defendant Chet Mining Co., LLC. On May 22, 2020, I made a wire transfer from my JP Morgan account, for the full amount of \$501,672.00, to Chet Mining Co. LLC using wiring instructions issued by the defendants. Annexed to this declaration as **Exhibit B** is a true and accurate copy of a page from my account statement for my JP Morgan account, for May 2019. For electronic Court filing, we have redacted my account numbers, redacted my balances, and have redacted entries that are unrelated to my transaction with the defendants. The unredacted portion of Exhibit B shows that I made a wire transfer in the amount of \$501,672.00 to Chet Mining LLC on May 22, 2019 (with the wire numbers partially redacted for electronic court filing).

5. As I allege in the Complaint (and which the defendants have not denied), the defendants did not deliver any of the equipment that I ordered, for which I paid the \$501,672.00, and the defendants have refused my demands that they return my money. (ECF Doc. #1, ¶30.)

WHEREFORE, for the reasons set forth above and in the accompanying Affirmation of my attorney, I respectfully request a default judgment against the defendants, jointly and severally, in the sum of \$501,672.00.

Executed on May 22, 2020



Andrew Schwartzberg